

Interview Summary

Application No.
08/659,046

Applicant(s)
Bauer et al.

Examiner
Clark F. Dexter

Group Art Unit
3724

All participants (applicant, applicant's representative, PTO personnel):

(1) Mr. Paul Bianco

(3) _____

(2) Mr. Clark Dexter

(4) _____

Date of Interview Jun 12, 2001

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal (copy is given to 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No. If yes, brief description:

A model of the apparatus including upper and lower shearing elements (substantially the same as 1a and 1b in Figs. 2a-c) along with samples of bone plate of different thicknesses to illustrate the utility of the tapered slot (12).

Claim(s) discussed: new claim 19

Identification of prior art discussed:

Merckens

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:


Mr. Bianco provided a model of the apparatus and the Examiner broke bone plates having different thicknesses. A preliminary amendment was filed before the interview and new claim 19 was disclosed. Mr. Bianco argued that the prior art does not teach a bone plate cutting apparatus. The Examiner acknowledged this point, but stated that since the claims are directed to an apparatus, it is not clear as to how the claimed invention structurally differs from the prior art. Mr. Dexter's position is that simply using the prior art apparatus to cut bone plates does not patentably distinguish the present invention over the prior art and is considered an intended use of the prior art. Mr. Bianco argued that the handle angles created by the present invention when aligning the slots are not found in the prior art. Mr. Dexter stated that such differences will be considered when they are structurally defined in the claims. Mr. Bianco further noted that the present invention includes claims directed to beveled cutting edges. Mr. Dexter stated this is a new limitation that will require

further consideration
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


CLARK F. DEXTER
PRIMARY EXAMINER
ART UNIT 3724